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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,071	11/25/2003	Jen-Tsu Kuo	JIAN 187	4205

7590 12/23/2004

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Washington, DC 20005

EXAMINER
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ABDELWAHED, ALI F

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/720,071

**Applicant(s)**

KUO, JEN-TSU

**Examiner**

Ali Abdelwahed

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,234,858 B1 to Nix in view of U.S. Patent No. 1,566,801 to Millard.

Nix discloses the claimed invention except for the through-holes having an octagonal shape and the tenons having an umbrella shape. However, Millard teaches a doll figure comprising umbrella shaped tenons (10, 11) used for a flexible articulated coupling of the different components of the figure to the main body (see figs. 6, 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy structure of Nix, in view of Millard, such that it would provide the toy structure of Nix with the concept of having umbrella shaped tenons for the purpose of enhancing the rigidity of the articulated connection between the different components of the toy structure.

Additionally, Nix discloses the claimed invention except for the octagonal shaped through-holes. However, Nix does teach the through-holes having different shapes, such as squared, circular, rectangular, and hexagonal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the through-holes, since such a modification would allow for a wide

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range of geometric formations for retention of the limb structures. Furthermore, the specification of the present invention does not provide any criticality (i.e., provides an advantage, is used for a particular purpose, or solves a stated problem) for the use of the specific shapes of the through-holes.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,234,858 B1 to Nix in view of U.S. Patent No. 5,858,262 to Lebensfeld.

Nix discloses the claimed invention except for the through-holes having an octagonal shape and the tenons having an umbrella shape. However, Lebensfeld teaches a toy figure comprising umbrella shaped tenons (43) that are used for coupling the different components of the toy figure together (see figs. 4-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy structure of Nix, in view of Lebensfeld, such that it would provide the toy structure of Nix with the concept of having umbrella shaped tenons for the purpose of enhancing the rigidity of the articulated connection between the different components of the toy structure.

Additionally, Nix discloses the claimed invention except for the octagonal shaped through-holes. However, Nix does teach the through-holes having different shapes, such as squared, circular, rectangular, and hexagonal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the through-holes, since such a modification would allow for a wide range of geometric formations for retention of the limb structures. Furthermore, the

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specification of the present invention does not provide any criticality (i.e., provides an advantage, is used for a particular purpose, or solves a stated problem) for the use of the specific shapes of the through-holes.

### ***Response to Arguments***

Applicant's arguments filed on September 30, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding the Nix reference failing to teach umbrella-shaped tenons integrally fixed to a neck portion, with the neck portion being disposed within a corresponding through hole, and the tenon projecting from one side of the corresponding through hole. Examiner would like to focus Applicant's attention to the above rejections in which both the Millard and Lebensfeld references were cited in combination with the Nix reference to teach the concept of utilizing umbrella-shaped tenons to attach different components of a toy structure together.

Millard clearly shows in figures 6 and 7, umbrella-shaped tenons 10 and 11 integrally fixed to a neck portion, with the neck portion being defined as the mid-section of the tenons that is of a smaller diameter than the end/head portions of the tenons 10 and 11. The resilient "deformable" foam components disclosed by Nix will inherently stretch and slightly deform in order to accommodate the enlarged head portions of tenons such as the ones taught by the Millard reference. This will allow the head portion of the tenon to be fitted through the corresponding through hole taught by Nix,

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thus allowing the neck portion of the tenon to be disposed within the corresponding through hole; and with the tenon projecting from one side of the corresponding through hole to conjoin multiple components of the toy structure together thus enhancing the rigidity of the toy structure.

Additionally, Applicant has not responded to the rejection made with the Lebensfeld reference.

Therefore, Examiner reasserts the rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

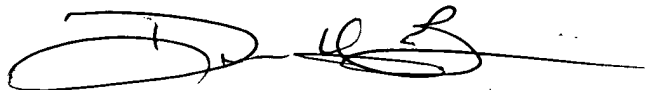
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA

12/17/2004

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700